HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.2691 of 2005
Date of decision : 5.3.2007

Sukhjit alia Galloo **.....Appellant**

versus

Bhag Singh and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.G.S.Nagra, Advocate for the appellant.

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ORDER

HEMANT GUPTA, J.

The defendant in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby suit for permanent injunction restraining the defendants from interfering in the peaceful possession of the plaintiff and from demolishing the boundary wall on plot measuring 460 Square feet, was decreed.

It has been found that the plea of the defendant that the suit land stands partitioned is not substantiated. On the other hand, the stand of the plaintiff is that he has raised the boundary wall. The raising of boundary wall by the plaintiff has been believed on the statement of the plaintiff and his witnesses namely PW-2 Amrik Singh, PW-3 Balwinder Singh and PW-4 Nazir Singh. It has also been found that the property of PW-3 Balwinder Singh exists next to the suit land and the said fact has been admitted by the defendant as well. The stand of the defendant was

that the boundary wall has been constructed jointly with the plaintiff. The said stand has not been believed.

The findings recorded by the Courts below are the findings of fact based proper appreciation of evidence. The evidence of the plaintiff has been believed. Such findings are sought to be disputed by re-appreciation of evidence in second appeal.

I do not find any illegality or irregularity in the findings recorded by the Courts below which may give rise to any substantial question of law in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 5, 2007
**mohinder*